IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

WRIT PETITION NO : 19711 of 1994

Between:

C. V.Sashaiah, S/o. Rangaswamy,
R/o. Gudur(V), Gudur (M),
Kurnool Dist.

..... PETITIONER

AND

1 The Dist. Collector , Kurnool.
2 Revenue Divisional Officer, Kurnool.
3 Mandal Revenue Officer, Gudur (M), Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate writ,order or direction calling for the records relating to the notifications issued under section4(1) and 6 of the Land Acquisition Act published in Kurnool Dist. gazettee dt.5.10.1994 proposing to acquire the lands covered by S.Nos 43/B1,43/B3 and 43/B4 an extent of Ac.0.36 cts,0.50 cents and Ac.6.53 cents respectively situated at Gudur (V),Kurnool Dist belonging to the petitioner and quash the same as illegal.

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court Made the Following O R D E R:

The petitioner claims to be the owner of the lands in Survey Nos. 43/B1, 43/B3 and 43/B4, admeasuring an extent of Ac.0.36 cents, Ac.0.50 cents and Ac.6.53 cents respectively situated in Gudur Village, Kurnool District. The lands are sought to be acquired for the purpose of providing house sites to the weaker sections of the society. A draft notification was published in the District

Gazettee dated
05-10-1994. The respondents have invoked the urgency clause under Section 17(4) of the Land Acquisition Act (for short 'the act') and thereafter the draft notification and draft declarations were published in the District Gazettee. That even before the notifications could be published in the News papers as is required, the petitioner had chosen to file this writ petition on various grounds *inter alia* contending that the lands in question have been acquired for providing house sites only to a particular community and not to the weaker sections of the society and therefore, there is no public purpose as such involved for acquisition of land.

In reply to the said allegation, it is explained in the counter affidavit that the lands have been acquired not only for the benefit of a particular community or caste people but also for the weaker sections of the society including Dalits. No other substantial objection as such is raised in the writ petition except that the notification has not been published in the local newspapers as is required under law. It is explained that even before the publication and notification, the petitioner had approached this Court and obtained interim directions from this Court 05-11-1995.

The interim order granted by this Court is in subsistence for period of more than ten years. It is not known whether the said land is still required for any public purpose. It is also not known as to whether the Government had chosen to acquire any other land in view of the pendency of this litigation at the instance of the petitioner.

In the circumstances, this writ petition is disposed of directing the respondents to take an appropriate decision as to whether it is a fit case f or proceeding further in pursuance of the impugned notification after long lapse of ten years of its publication in the gazettee. In case, if the respondents chose to proceed further in the matter, objections of the petitioner may be invited and if any such filed the same shall be taken into consideration before proceeding further in the matter. There shall be an order accordingly.

The Writ Petition is accordingly disposed of. No order as to costs.

B.SUDERSHAN REDDY, J

01-07-2004.

MJL/MSV

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Dist. Collector , Kurnool.
2 Revenue Divisional Officer, Kurnool.
3 Mandal Revenue Officer, Gudur (M), Kurnool.

4. 2 CCs G.P. for Revenue, High Court of A.P. Hyderabad.

5. 2 CD copies.